



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on July 5, 2017.

Date of Meeting: November 9, 2016

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:32 p.m., on Wednesday, November 9, 2016, all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Vice Mayor, Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Ryan Burbank, from Victory Worship Center, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed November 2016 to be American Diabetes month.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 372, dated November 9, 2016, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports was provided by Council Member Fimbres. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 373, dated November 9, 2016, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Current event report was given by Michael J. Ortega, City Manager. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 374, dated November 9, 2016, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Application(s)

New License(s)

- 1. Pita Jungle, Ward 6
5340 E. Broadway Blvd.
Applicant: David Scott Kaufman
Series 12, City 74-16
Action must be taken by: November 11, 2016

Staff has indicated the applicant is in compliance with city requirements.

2. Carioca Shell #13, Ward 4
9255 S. Rita Rd.
Applicant: Howard Everett Magee
Series 10, City 75-16
Action must be taken by: November 12, 2016

Staff has indicated the applicant is in compliance with city requirements.

3. Sonoras Famous Hot Dogs and Grill, Ward 1
5475 S. Calle Santa Cruz #101
Applicant: Nydia Heredia
Series 12, City 77-16
Action must be taken by: November 20, 2016

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer(s)

4. Wal-Mart Neighborhood Market #5725, Ward 3
831 E. Fort Lowell Rd.
Applicant: Clare Hollie Abel
Series 9, City 73-16
Action must be taken by: November 5, 2016

Staff has indicated the applicant is in compliance with city requirements.

5. Kallista Park, Ward 4
4450 S. Houghton Rd.
Applicant: Kevin Arnold Kramber
Series 6, City 76-16
Action must be taken by: November 19, 2016

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer Mayor and Council may consider both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Bootstraps to Share dba BICAS, Ward 3
 1122 N. Stone Ave.
 Applicant: Matthew Justin Harmon
 City T137-16
 Date of Event: December 2, 2016 - December 3, 2016
 (BICAS Art Auction Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

2. Society of the Divine Savior, Ward 1
 1300 N. Greasewood Rd.
 Applicant: Thomas Mason Tureman
 City T138-16
 Date of Event: December 10, 2016 - December 11, 2016
 (Church Social Event)

Staff has indicated the applicant is in compliance with city requirements.

3. Downtown Tucson Partnership, Ward 6
 220 S. 5th Ave.
 Applicant: Brandi Renee Haga-Blackman
 City T139-16
 Date of Event: November 19, 2016
 (Premier Cycling Event - 34th Annual El Tour de Tucson)

Staff has indicated the applicant is in compliance with city requirements.

4. Second Saturday, Inc., Ward 6
 55 N. 5th Ave.
 Applicant: Michael S. Keith
 City T140-16
 Date of Event: December 29, 2016
 (Pre-Game Event for Arizona Bowl)

Staff has indicated the applicant is in compliance with city requirements.

5. North Fourth Avenue Merchants Association, Inc., Ward 6
 Within University Blvd., 3rd Ave., 9th St., 5th Ave.
 Applicant: Frederick Gabriel Ronstadt
 City T141-16
 Date of Event: December 9, 2016 - December 11, 2016
 (Fundraising Civic Event)

Staff has indicated the applicant is in compliance with city requirements.

6. American Legion Yoeme Post 125, Ward 3
1055 W. Grant Rd.
Applicant: Elvia Bustamante
City T142-16
Date of Event: November 10, 2016 - November 13, 2016
(San Ignacio Church Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

7. Watershed Management Group, Ward 6
1137 N. Dodge Blvd.
Applicant: Aaron A. Baumann
City T143-16
Date of Event: November 29, 2016
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

8. Tucson Community School, Ward 3
2109 E. Hedrick Dr.
Applicant: Rachel Balls
City T144-16
Date of Event: December 3, 2016
(Fundraising)

Staff has indicated the applicant is in compliance with city requirements.

9. Tucson Veterans Serving Veterans, Ward 6
900 S. Randolph Way
Applicant: Bruce Edward Hamilton
City T147-16
Date of Event: November 12, 2016
(Hats off to Heroes)

Staff has indicated the applicant is in compliance with city requirements.

- d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 through 5b5, 5c1 through 5c9, to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

| | | |
|------------------|--------------|--------------------------|
| Devora Gonzalez | Beryl Baker | David Gebert |
| Liane Wong | Edward Cizek | Lena Rothman |
| Chuck Frietas | Kris Basel | Christopher Pankratz |
| Camille Kershner | Lenny Molina | Sarah Roberts |
| Robert Bulechek | Erin Russ | Dr. Geoffrey Allan Boyce |

Mayor Rothschild directed staff to follow-up on why nominees of the Climate Change Committee (CCC) had not been appointed.

Council Member Romero asked staff what options could be provided to the Mayor and Council regarding the G4S contract and its status.

Michael Rankin, City Attorney, advised that because this item was brought up during the Call to the Audience rather than an agenda item, discussion could not be held. He said staff could follow-up and provide a report to the Mayor and Council which could be made publicly as well to answer any questions.

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH K

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

a. APPROVAL OF MINUTES

1. Report from City Manager NOV09-16-375 CITY WIDE

2. Mayor and Council Regular Meeting Minutes of March 8, 2016
- b. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH KOLB/VALENCIA, LLC, OWNERS OF PARCEL NO. 141-06-009G, FOR WATER SERVICE
 1. Report from City Manager NOV09-16-378 WARD 4 AND OUTSIDE CITY
 2. Resolution No. 22659 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Kolb/Valencia, LLC, owners of Parcel No. 141-06-009G.
- c. GRANTS: GRANT-IN-AID AGREEMENT WITH TOHONO O'ODHAM NATION FOR VARIOUS PROJECTS
 1. Report from City Manager NOV09-16-385 (CITY WIDE)
 2. Resolution No. 22658 relating to Finance; approving Grant-in-Aid funding from the Tohono O'odham Nation ("Nation") for 2017 for certain projects; authorizing the Director of the Department of Finance to enter into Agreements between the City of Tucson ("City") and the Nation for such projects; and declaring an emergency.
- d. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2017 COMPENSATION SCHEDULES AND ORDINANCE 11373
 1. Report from City Manager NOV09-16-386 CITY WIDE
 2. Ordinance No. 11407 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service - Human Resources, Article II, Compensation Plan, Section 10-31, amending Ordinance No. 11373 to approve revised compensation schedules, eliminating pay grades 611, 811, 812, and 813; raising minimum of salary range for pay grades 615, 616, 712 and 814; creating three classifications of elected and Mayor/Council appointed officials and employees; otherwise reaffirming the provisions of Ordinance No. 11373; setting an effective date; and declaring an emergency.

Roger W. Randolph, City Clerk, announced there were two corrections for this item. He said on the Mayor and Council Communication, page 2, under the recommendations, the minimum salary range was \$47,486.40 as opposed to \$47,480.60 and the title of the Ordinance should read, "creating two classifications of elected and Mayor and Council appointed official employees" not the three that was currently listed.

- e. FINAL PLAT: (S16-050) RANCHO REINA, LOTS 1 THROUGH 25, COMMON AREAS "A", "B", AND "C"
 - 1. Report from City Manager NOV09-16-377 WARD 4
 - 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- f. FINAL PLAT: (S16-057) ELEMENTARY PLACE, LOTS 1 THROUGH 54 AND COMMON AREA "A" AND "B"
 - 1. Report from City Manager NOV09-16-379 WARD 2
 - 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- g. FINAL PLAT: (S16-039) BLOCK PLAT FOR EL RIO ACRES, LOT 140, PARCELS 1 AND 2
 - 1. Report from City Manager NOV09-16-380 WARD 1
 - 2. Staff recommends that the Mayor and Council approve the block plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- h. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD
 - 1. Report from City Manager NOV09-16-387 CITY WIDE
 - 2. Resolution No. 22660 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement (IGA) between the City of Tucson (City) and Pima County for the 2016 Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award; and declaring an emergency.

i. INTERGOVERNMENTAL AGREEMENT: AMENDMENT 4 TO ADDENDUM 1 TO AGREEMENT WITH THE TOWN OF ORO VALLEY RELATING TO EFFLUENT AND RECLAIMED WATER

1. Report from City Manager NOV09-16-381 OUTSIDE CITY
2. Resolution No. 22664 relating to Water; authorizing and approving the execution of Amendment Number 4 to Addendum 1 to the Intergovernmental Agreements between the City of Tucson and the Town of Oro Valley relating to Effluent and Reclaimed Water; and declaring an emergency.

j. AGREEMENT: WITH KAI FARMS RED ROCK FOR A GROUNDWATER SAVINGS FACILITY PROJECT

1. Report from City Manager NOV09-16-389 OUTSIDE CITY
2. Resolution No. 22663 relating to Water; authorizing and approving the execution of an Agreement between the City of Tucson and Kai Farms Red Rock for a Groundwater Savings Facility Project as well as authorization for Tucson Water to administratively enter into future Groundwater Savings Facility Agreements; and declaring an emergency.

(This item was considered separately at the request of Council Member Uhlich.)

Michael Rankin, City Attorney, stated he had a correction to read for this item. He said with respect to the Resolution, Section 3 needed to be revised to read as follows, "This Resolution also authorizes Tucson Water to approve administratively minor amendments to approved GSF agreements ..." He said a similar change would be made in the caption of the Resolution and Communication as well as correcting the numbering in the Resolution.

k. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE KOLB AND VALENCIA INTERSECTION RECONSTRUCTION PROJECT

1. Report from City Manager NOV09-16-388 WARD 4
2. Resolution No. 22662 relating to Intergovernmental Agreements (IGAs) and Transportation; authorizing and approving an IGA between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the Kolb Road and Valencia Road Intersection Reconstruction Project; and declaring and emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – k, with the exception of Item j, which was considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM J

j. AGREEMENT: WITH KAI FARMS RED ROCK FOR A GROUNDWATER SAVINGS FACILITY PROJECT

1. Report from City Manager NOV09-16-389 OUTSIDE CITY
2. Resolution No. 22663 relating to Water; authorizing and approving the execution of an Agreement between the City of Tucson and Kai Farms Red Rock for a Groundwater Savings Facility Project as well as authorization for Tucson Water to administratively enter into future Groundwater Savings Facility Agreements; and declaring an emergency.

Council Member Uhlich asked staff about the amount of water the City stored.

Timothy Thomure, Tucson Water Department Director, stated that for 2017, the intent was to order five hundred acre feet of water to the Kai-Red Rock Groundwater Savings Facility (GSF). He stated that in any given year it was potentially around zero to three thousand feet acre of water.

Council Member Uhlich asked if that was part of the City's Central Arizona Project (CAP) allocation and rather than putting it City facilities, the water would be stored there. She also inquired if it included the Phoenix' allocation as well.

Mr. Thomure advised that was correct. He said the allocation only included Tucson's water that would go to that facility.

Council Member Romero clarified that the language in section 3 said the Mayor and Council would have the opportunity to look at these contracts. She stated the language that was read into the record clarified it was for minor agreements the Mayor and Council had previously approved.

Michael Rankin, City Attorney, advised that was correct and stated that any new agreement still had to come to the Mayor and Council; with the idea being to give the administrative authority to approve minor amendments since periodically there needed to be price adjustments or other minor language changes in agreements that had previously been approved by the Mayor and Council. He stated there was one example of an agreement that had to be amended six or eight times, so staff was trying to limit the scope of that administrative approval.

Mayor Rothschild said he heard the answer to Council Member Uhlich's question, that there was a certain range of stored water. He said he would assume, if that range changed and was on the up-side, then that would no longer be a minor amendment.

Mr. Rankin stated he agreed with that.

Council Member Uhlich highlighted that since it was not in the agreement, it was an area where she thought there were so many more moving pieces with the wheeling agreements, broader state issues, and drought agreements. She stated that having the Citizens' Water Advisory Committee (CWAC) complete the rate setting work every other year, with five-year projections would keep the Committee fully informed and give them time to put forth recommendations. She said they had a real responsibility to fully understand all the implications of any water agreement.

Council Member Cunningham said he appreciated all of his questions being answered in advance and requested the same information be provided to the rest of the Mayor and Council to help clear up their issues.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item j be passed and adopted and proper action taken.

8. PUBLIC HEARING: (C8-16-07) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO USE HEIGHT RESTRICTIONS IN THE C-3 ZONE

Mayor Rothschild announced City Manager's communication number 382, dated November 9, 2016, was received into and made part of the record. He said this was the time and place legally advertised for a public hearing on proposed text amendments to the Unified Development Code relating to Use Height Restrictions in the C-3 Zone.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on the item.

There was no one.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11408 by number and title only.

Ordinance No. 11408 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Article 6: Dimensional Standards and Measurements, Section 6.3.4; and setting an effective date.

Vice Mayor Kozachik stated the proposal was to strike all of the fifty foot height restrictions for everything that was previously listed in C-3. He said when this item was brought forth in the Study Session, he was clear about leaving group dwellings at a fifty foot height restriction. He explained that in C-3 there were two very real student housing discussions going on which could benefit from the seventy-five foot height that was being proposed to be allowed.

It was moved by Vice Mayor Kozachik, duly seconded, to adopt the staff's recommendation with the exception of leaving the fifty foot height restriction in C-3 on group dwellings.

Council Member Romero requested Vice Mayor Kozachik provide more reasoning for his suggestions. She asked if he had discussed the matter with surrounding neighborhoods.

Vice Mayor Kozachik replied that there are two very active student housing projects and the issue of going to seventy-five feet was very contentious in C-3. He continued saying that if it was maintained as in the current regulations; the conversations were going to be a whole lot different.

Vice Mayor Kozachik said he has had neighborhood discussions. He commented that near Euclid and Broadway there was a student housing project that had been discussed multiple times with the surrounding neighbors. He said the understanding by the developers was that they were to be constrained by the current requirement. He said beyond that, in more general conversations, the fifty foot restriction within C-3 areas that immediately abut residential was more conducive to setbacks, step downs, and the adjacencies to residential.

Council Member Romero advised that she was questioning because the Planning Commission (PC) voted 7 to 0 on the matter. She said she wanted to be sure that the conversations had been going on, since she was unaware of any input regarding this particular issue. She said when there was contention regarding a matter such as this, she usually received some sort email, letters, or calls. She mentioned she wanted to ensure a process was followed.

Vice Mayor Kozachik said he was surprised from the vote of the PC due to one or more of the commissioners being involved in the Broadway discussions.

Mayor Rothschild asked if the Mayor and Council accepted the amendment and an applicant came in and requested something over fifty feet, what the process would be.

Nicole Ewing-Gavin, Planning and Development Services Director, advised the applicant had the option of going through a rezoning for that site, probably to a Planned Area Development (PAD) in order to be able to go above fifty feet.

Council Member Fimbres inquired how the proposal was beneficial to the City of Tucson.

Ms. Ewing-Gavin responded saying it allowed for additional uses to make full use of the C-3 zone. She explained the case that prompted this change was a restaurant that wanted to go in on the fourth or fifth floor of a building and was not able to due to the current restriction. She said this will expand development opportunities in the City.

Council Member Cunningham asked if by doing this, the Mayor and Council was placing a fifty-foot restriction on any C-3 development.

Ms. Ewing-Gavin said the City was mirroring what OCR 1 and 2 were, so that the height allowed was seventy-five feet; however, the one use that was restricted to be at fifty feet or below were the residential care facilities. She said she was unsure of why that was in there.

Council Member Cunningham said he wanted to understand the process better. He said the student housing project, because it was adjacent to a residential area, it could only go fifty feet, but other ones were able to go to seventy-five feet. He asked if there was a step-down, step-up and if that was how the *Code* would be uniformed.

Ms. Ewing-Gavin explained this was for all C-3 zoned property, no matter what it was adjacent to, and would be restricted from group dwelling above fifty feet.

Council Member Cunningham requested more clarification and stated by passing the Ordinance, anyone who wanted to build ungrouped dwellings in C-3 could not go above fifty feet without a PAD. He asked if going to a commercial office and removed from a residential area what the height restriction was then.

Ms. Ewing-Gavin responded the height restriction would be seventy-five feet as it was now.

Council Member Cunningham clarified if the builder wanted to go more than seventy-five feet in the air, a PAD would be required.

Ms. Ewing-Gavin advised yes a PAD was necessary or another option was to go to an OCR zone in order to go higher than seventy-five feet. She continued saying C-3 was limited to seventy-five feet for everything.

Council Member Cunningham inquired if there were any areas in Tucson where someone can go above seventy-feet without going through the OCR or PAD process.

Ms. Ewing-Gavin replied that OCR and PAD were the only zoning classifications above seventy-five feet.

Council Member Cunningham said that made sense, if a company were to build a skyscraper in Tucson, getting a PAD would suffice. He wanted to be clear on what the Mayor and Council were approving.

Vice Mayor Kozachik stated in the agenda material, all of the uses that had a red line were restricted to fifty feet. He said there was someone who wanted a restaurant at Miramonte and Speedway that was going to be above fifty feet, and when all of the research was done, a restriction was found for food service and entertainment. He said no one knew why it was there, and in conversations it was suggested to eliminate the fifty foot high rule. He said the only part he was proposing to change was to retain the fifty foot height limitation for group dwellings in C-3.

Ordinance 11408, with the exception of retaining the fifty foot restriction for group dwellings in C-3 zoning, was passed by a roll call vote of 7 to 0.

9. PUBLIC HEARING: (C8-16-06) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO AMENDMENT NO. 5: CORRECTIONS, EDITS, AND CLARIFICATIONS

Mayor Rothschild announced City Manager's communication number 383, dated November 9, 2016, was received into and made part of the record. He said this was the time and place legally advertised for a public hearing on proposed text amendments to the Unified Development Code relating to Amendment No. 5: corrections, edits, and clarifications.

Mayor Rothschild said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this item.

There was no one.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11409 by number and title only.

Ordinance No. 11409 relating to Planning and Zoning; amending the Tucson Code, Chapter 23B, Unified Development Code, Article 4: Zones, Sections 4.8.3, 4.8.4, 4.8.9, 4.9.13, and Article 5: Overlay Zones, Section 5.13.9; and setting an effective date.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 11409.

Vice Mayor Kozachik said as he understood it with respect to group dwellings in R-1 you are limited to four or more unrelated living in all the buildings combined on the lot,

but in R-2 there could be four and four. He said the way it was reading to him it appeared that the Mayor and Council were allowing R-2 permission to have four plus four into R-1. He asked if that was correct.

Nicole Ewing-Gavin, Planning Director, advised that was incorrect, they were not making any change like that.

Vice Mayor Kozachik inquired if the proposal removed use specific standard from single family detached family dwellings for two units within the R-1 zone. He asked if it should read R-2 zone. He said it was bullet point number two in the recommendation.

Michael Rankin, City Attorney, advised that after looking through the ordinance, he did not see any changes that had the affect Vice Mayor Kozachik was describing. His suggestion was to approve the changes subject to the condition that the language of the Ordinance does not result in the consequence that he was identifying.

Vice Mayor Kozachik offered an amendment to the motion, accepted by the motion-maker, to approve the Ordinance subject to the condition that the language of the ordinance does not result in effectively allowing R-2 Zoning in the R-1 Zone.

Ordinance 11409, as amended, was passed and adopted by a roll call vote of 7 to 0.

10. ECONOMIC DEVELOPMENT: NOTICE OF INTENT TO ENTER INTO A TAX INCENTIVE DEVELOPMENT AGREEMENT WITH MODULAR MINING, INC.

Mayor Rothschild announced City Manager's communication number 384, dated November 9, 2016, was received into and made part of the record. He asked the City Clerk to read Resolution 22661 by number and title only.

Resolution No. 22661 relating to Economic Development; approving a Notice of Intent to enter into a Tax Incentive Development Agreement (Agreement) with Modular Mining, Inc.; and adopting an Independent Economic Analysis relating to the Agreement.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Resolution 22661.

Council Member Fimbres stated that this was a project implemented in 2013 and inquired why it took so long.

Camila Bekat, Economic Development Specialist, advised there were multiple things going on with the project. She said they were building an office building and renovating the existing building. She stated the renovations took much longer than anticipated, but were recently completed and the paperwork was submitted. She advised the agreement would come back to the Mayor and Council on December 6, 2016.

Resolution 22661 was passed and adopted by a roll call vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 376, dated November 9, 2016, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to ratify the appointment of Eddie Grijalva to the Pima County-City of Tucson Commission on Addiction, Prevention, and Treatment (CAPT) and the reappointments of Dennis Regnier and Lynn Reyes to the Pima County-City of Tucson Commission on Addiction, Prevention, and Treatment (CAPT).

Mayor Rothschild asked if there were any personal appointments to be made.

There were none.

12. ADJOURNMENT: 6:47 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, November 22, 2016, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 9th day of November 2016, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:km: ao